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BARQADLE, YASIN M	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/773,268	AKINPELU ET AL.	
	Examiner	Art Unit	
	YASIN M. BARQADLE	2456	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *05 February 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *11-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *11-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Response to Amendment

The amendment filed on February 05, 2009 has been fully considered but are not persuasive.

Response to Arguments

The Applicant argues ". However, while Girard teaches the creation of different types of traffic at a single customer location, the streams are not aggregated onto a single traffic stream; rather, the various types of traffic are directed to different destinations in Girard (e.g., third party media services, PSTN gateway, packet transport network).

The Examiner disagrees. The Examiner maintains that "packetizing and aggregating separate voice, data, and video traffic streams into single traffic at a customer equipment" is well known as indicated by Girard and other publications listed below.

For example Girard US Patent No. (7,283,519) show a device for packetizing and aggregates separate voice, data and video services (see fig. 3 and 4). "The EDGE SWITCH is an ESN connectivity element whose principal function is to support the delivery of voice, video (multimedia) and data services--multi-service delivery--to the subscriber premise through a shared IP data path. It aggregates several functions together into a single, cost-effective

device that is deployed by the carrier as a premise-based network element. FIG. 3 shows that the EDGE SWITCH functions as a broadband access network termination device (e.g. DSL modem, cable modem, T1 terminator, passive optical terminator) at the subscriber premise, providing an IP data path from the premise to the PACKET TRANSPORT NETWORK. It also provides a means by which voice, video and data terminals at the subscriber premise may connect to other network endpoints in the PACKET TRANSPORT NETWORK, each creating connections through a shared, routed IP data interface." (Col. 11, lines 65 to col. 12 line 14). In other words Girard aggregates several function (supported voice, video and data function) into a single cost-effective device). It is also noted the specification does not clearly explain how the aggregations of voice, data and video traffic streams into a single traffic stream happens. No stream at all is mentioned. The specification in paragraph 24 of the Published Application mentions 'All customer traffic is aggregated at a single CPE MSP and services are provided from this single point of access." This is no different than Girards' teaching where voice, data and video traffic are aggregated at the EDGE SWITCH.

Similarly, Knuutila et al, Patent Number (6810035) discloses "The multiplexing/demultiplexing block 110 performs the multiplexing function from separate video, audio, data and control streams into a single stream to be transmitted, and correspondingly the demultiplexing function from a received

stream to separate video, audio, data and control streams." (col. 4, lines 28-47).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 11-16 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Britz (U.S. Patent No. 6,973,269).

As to claim 11, Britz teaches a network system, comprising:

a primary network ring (primary fiber metropolitan ring 505) including at least one primary node (a first distribution/aggregation node 510/530) and a plurality of one secondary nodes (a second distribution/aggregation node 510/530) [see fig. 5a, col. 13, ll. 3-31]; and

a secondary network ring (fiber mini-ring 540) connecting at least one secondary node in the primary network ring (second distribution/aggregation node 510/530) to the business premises equipment (a tertiary aggregation and distribution node 535, e.g., a small-business switch), wherein the business premises equipment (tertiary aggregation and distribution node 535) including

are a multi-service processor for packetizing and aggregating customer traffic customer so as to provide the multiple network services to a plurality of customers [see fig. 5b, col. 4, ll. 8-11 ("Heading up-stream toward the network, the nodes will aggregate multiple customer specific wavelength packet data, inserting and accruing this data into the network aggregation layer packet stream"), col. 4, ll. 25-30, col. 5, ll. 22-26, col. 6, ll. 49-55, col. 13, ll. 32-43].

Britz teaches a routing system that the skilled artisan would of course recognize as providing data network services.

Britz does not expressly disclose where the system aggregates separate voice, data and video services.

The examiner takes official notice that providing voice, data and video services and aggregating them over metropolitan area networks was notoriously well known in the art. It would have been obvious to one of ordinary skill in the art to utilize Britz's system to provide these services because doing so would allow the customers to access various types of services according to their preferences.

As to claim 12, Britz teaches that the network system forms a wide area network connecting major metropolitan areas [see fig. 5a, col. 13, ll. 8-11].

As to claim 13, Britz teaches that the primary network ring (505) includes at least two primary nodes (510/530) and secondary nodes (510/530) between the primary nodes (510/530) on the primary network ring (505) [see fig. 5a].

As to claim 14, Britz teaches that the customer premises equipment (at nodes 535) are located between secondary nodes (510/530, 525) on the secondary network ring (540) [see fig. 5b].

As to claim 15, Britz teaches that the business premises equipment (535) are connected to the customer premises equipment through a tertiary network ring [see col. 4, ll. 22-41].

As to claim 16, Britz teaches that the links which connect the at least one primary node (510), the at least one secondary node (510), the business premises equipment (535) and the customer premises equipment are optical links [see fig. 5a, 5b, col. 4, ll. 22-41, col. 13, ll. 3-43].

As to claim 18, Britz teaches that the business premises equipment (535) have one of bi-directional line switched ring and uni-directional path switched ring functionality [see fig. 5b, col. 13, ll. 32-43].

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Britz (U.S. Patent No. 6,973,269) in view of Sevevirathne (U.S. Patent No. 6,798,740).

Britz discloses that the links are optical links [see, e.g., Britz at col. 13, ll. 60-65]. But, Britz does not disclose that the links use known STM standards. It would have been obvious to one of ordinary skill in the art to use any of the known STM standards here because using STM results in improved network efficiency [see Sevevirathne at col. 4, ll. 19-26].

Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Britz (U.S. Patent No. 6,973,269) in view of Ryu (U.S. Patent No. 5,481,718).

Britz discloses that the equipment communicates over optical networks [see, e.g., Britz at col. 13, ll. 60-65]. But, Britz does not disclose that the protocol is asynchronous transfer protocol (ATM). It would have been obvious to one of ordinary skill in the art to use ATM here because ATM provided well known advantages such as reducing protocol processing load [see Ryu at col. 31, ll. 4-14].

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Britz (U.S. Patent No. 6,973,269) in view of Sheets (U.S. Patent No. 5,689,546).

Britz does not disclose a system that monitors the functioning of the customer premises equipment. Nonetheless, various such systems were well known in the art. For example, Sheets teaches a system that monitors the functioning of the customer premises equipment [see Sheets at abstract]. It would have been obvious to one of ordinary skill in the art to use such a system here because such monitoring systems enabled central offices investigate performance characteristics of transmission lines [see Sheets at col. 2, ll. 38- 54].

Conclusion

ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yasin Barqadle whose telephone number is 571-272-3947. The examiner can normally be reached on 9:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on 571-272-

3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Yasin M Barqadle/

Primary Examiner, Art Unit 2456